

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

**CHMURA ECONOMICS &
ANALYTICS, LLC,**

**Plaintiff/Counterclaim
Defendant,**

Case No. 3:19-cv-813-REP

v.

RICHARD LOMBARDO,

**Defendant/Counterclaim
Plaintiff.**

JOINT MOTION TO CONTINUE PRETRIAL DEADLINES

Plaintiff Chmura Economics & Analytics, LLC (“Chmura” or “Plaintiff”) and defendant Richard Lombardo (“Lombardo” or “Defendant” and, collectively with Chmura, the “Parties”), by their respective counsel, respectfully move this Court to continue the Final Pretrial Conference currently scheduled for June 24, 2020, and all associated deadlines, pending assignment of a new trial date. In support of this Motion, the Parties state as follows:

1. On February 19, 2020, the Court entered its Initial Pretrial Order scheduling the trial to begin on July 6, 2020 and scheduling the Final Pretrial Conference for June 24, 2020.
2. Pursuant to this Order and the Court's January 31, 2020 Scheduling Order, certain pretrial deadlines (including the filings of witness and exhibit lists, stipulations, discovery designations, objections to exhibits and witnesses, and rebuttal designations) are determined by the date of the final pretrial conference.

3. In accordance with the Scheduling Order (as amended by the Court's May 8 Order, ECF No. 32), the Parties filed dispositive motions on May 15, 2020, and filed motions *in limine* on May 21 and 22, 2020.

4. On May 26, 2020, the Court entered General Order No. 2020-16 (the "General Order"), which outlines certain measures designed to ensure that the Court can continue to operate safely during the COVID-19 pandemic. In pertinent part, this General Order provides that "no civil jury trials shall be conducted until further notice, as the interests of justice require the prioritization of criminal jury trials during the upcoming months." (Order at 5.)

5. The General Order further provides that criminal jury trials shall resume no earlier than July 7, 2020, one day after the originally scheduled start date for the trial in this matter. (Order at 3.)

6. Pursuant to the General Order, the Parties understand that the civil jury trial in this matter will not be conducted beginning on July 6 as originally anticipated.

7. Accordingly, the Parties respectfully request continuance of the final pretrial conference in this matter and all pretrial filing deadlines calculated based on the previously designated dates for the trial and final pretrial conference (except for those deadlines related to completion of briefing on motions already pending), until a new trial date can be set.

8. Continuing these pretrial deadlines will allow the Court time to rule on the parties' pending cross-motions for summary judgment and motions *in limine*. The Parties anticipate that the Court's rulings on summary judgment will significantly streamline the Parties' trial preparation, such that continuing the current deadlines will allow the Parties to provide witness lists, exhibit lists, discovery designations, and other pretrial materials to the Court that are appropriately narrowed to the claims, if any, that remain for trial.

9. In addition, although the Parties' previous mediation was unsuccessful, the Parties anticipate that receiving guidance from the Court on the pending summary judgment motions may facilitate further settlement discussions.

10. Given that the trial in this matter cannot proceed as originally scheduled pursuant to the General Order, continuing these pretrial deadlines will not impact or delay trial.

11. The Parties file this Motion before the expiration of the original pretrial filing deadlines sought to be continued.

12. Counsel for the Parties have conferred and agree to request this extension jointly.

13. The Parties make this request in good faith and not for the purpose of delay.

WHEREFORE, the Parties respectfully request that this Court enter an Order continuing the final pretrial conference and associated pretrial deadlines until a new date for trial can be set.

May 28, 2020

Respectfully submitted,

CHMURA ECONOMICS & ANALYTICS, LLC

By: _____/s/_____

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CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of May, 2020 a copy of the foregoing was filed with the Court's CM/ECF system, which will send a notice of electronic filing (NEF) to all counsel of record.

/s/

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